THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16817 of 2007

Dated:07.08.2007

Between:

K.Gangadhar, S/o.Mallaiah,
and another.

…Petitioners

and

The Mandal Revenue Officer,
Vemulawada Mandal, Karimnagar District,
and others.

…Respondents

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WRIT PETITION No.16817 of 2007

ORDER:

The two petitioners allegedly purchased land admeasuring Ac.0.30 guntas in Survey No.1783 situated at Vemulawada Village under registered sale deed dated 23.06.2004. Subsequently, they sold an extent of Ac.0.20 guntas and are in possession of the remaining portion. They applied to the second respondent for permission to construct two shop rooms with shutters with a compound wall. The same was not acted upon compelling the petitioners to file Writ Petition Nos.18740 and 18814 of 2006. This Court disposed of the Writ Petitions on 27.04.2007 directing the second respondent – Gram Panchayat to pass appropriate orders in the application. In the meanwhile, the third respondent started construction of a compound wall in Survey No.1783, even though the application filed by the petitioners for demarcation of the land is pending. Therefore, they filed the instant Writ Petition seeking a writ of mandamus directing the first respondent to demarcate the petitioners' land by fixing the boundary stones, and further declaring the action of the Gram Panchayat in allowing the third respondent to construct without permission.

Heard the learned Counsel for the petitioners, learned Assistant Government Pleader for Revenue (General-T) and the learned Standing Counsel for the Gram Panchayats. After getting instructions, the learned Assistant Government Pleader as well as the learned Standing Counsel submit that the petitioner is not the owner of the land and that he is not in possession of the same, that the land belongs to the Government and an extent of Ac.0.15 guntas was allotted to the third respondent – Devasthanam.

From the above, it becomes clear that there is a dispute of title between the petitioners on one hand and the third respondent on the other hand, who was allegedly allotted the Government land. In such an event, survey/demarcation is not a proper course of action. The remedy of the petitioners is to seek a declaration and injunction either in the civil Court or before the competent Deputy Commissioner of Endowments.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

07.08.2007
vs